

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201809612	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 11/10/2018 10:30 PM	Location of Incident: [REDACTED]	Precinct: 101	18 Mo. SOL 5/10/2020	EO SOL 12/25/2020	
Date/Time CV Reported Sun, 11/11/2018 7:25 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/15/2018 11:16 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. CPT Jack Morrison	00000	927233	NARCBQS
2. Officers			NARCBQS
3. DT3 George Bodenmiller	7067	936223	NARCBQS
4. An officer			NARCBQS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jaipaul Ramdat	5369	953290	NARCBQS
2. POM Nicholas Bekas	04530	950063	NARCBQS
3. SGT Thomas Gagliardi	00996	930188	105 DET
4. DT3 Shawn Hayes	6093	947770	NARCBQS
5. DT3 James Sgaglione	5742	952228	NARCBQS
6. SGT Terence Curran	02389	902731	NARCBQS
7. SGT Matthew Lewis	04736	941054	NARCBQS
8. DT3 Derek Sambolin	06902	943771	NARCBQS
9. DT3 Gregory Fortunato	3165	952743	NARCBQS
10. DT3 Luis Martinez	6148	945959	NARCBQS

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
B. DT3 George Bodenmiller	Force: Detective George Bodenmiller used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C. CPT Jack Morrison	Force: Captain Jack Morrison used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E. An officer	Force: An officer struck § 87(2)(b) [REDACTED] with a blunt instrument.	[REDACTED]
F. An officer	Abuse: An officer threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
G. Officers	Abuse: Officers damaged § 87(2)(b) [REDACTED]'s property.	[REDACTED]

Case Summary

On November 11, 2018, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB), generating original IAB log #2018-44658. The CCRB received the complaint on November 15, 2018.

On November 10, 2018, at approximately 10:30 p.m., officers entered § 87(2)(b) apartment located at § 87(2)(b) in Queens (**Allegation A: Abuse of Authority; § 87(2)(g)**). Officers followed § 87(2)(b) into his bedroom, where they allegedly threw him to the ground, kicked and struck him on his arms, chest, and legs before striking him on his temple with an unknown blunt instrument (**Allegations B through E: Force; § 87(2)(g)**). § 87(2)(b) cousin, § 87(2)(b) who was present on scene, alleged that at one point an officer threatened to arrest him (**Allegation F: Abuse of Authority; § 87(2)(g)**). § 87(2)(b) was transported to the 106th Precinct stationhouse in Queens where he was later released with a desk appearance ticket. Upon returning to his apartment, he allegedly found that his television was broken (**Allegation G: Abuse of Authority; § 87(2)(g)**).

No body-worn camera (BWC) or other video footage exists for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers entered § 87(2)(b) in Queens.

Officers entered § 87(2)(b) apartment pursuant to a valid search warrant, which § 87(2)(b) was shown and signed at the 106th Precinct stationhouse in Queens.

Search warrant § 87(2)(b), signed by the Honorable Judge § 87(2)(b), showed that the officers had the authority to enter § 87(2)(b) apartment on November 10, 2018 [BR01]. Det. Ramdat stated that, upon returning to the stationhouse, he showed § 87(2)(b) the warrant, which he signed [BR02]. § 87(2)(b) confirmed this, stating that he signed the warrant and wrote “not true”, which can be seen on the warrant [BR03].

As per NYS Criminal Procedure §690.05, officers may enter and search a location for which they have a valid court issued search warrant [BR04].

§ 87(2)(g)

Allegation (B) Force: Detective George Bodenmiller used physical force against

§ 87(2)(b)

Allegation (C) Force: Captain Jack Morrison used physical force against

§ 87(2)(b)

Allegation (D) Force: Officers used physical force against

§ 87(2)(b)

Allegation (E) Force: An officer struck

§ 87(2)(b)

with a blunt instrument.

It remains disputed as to what, if any, force was used against § 87(2)(b)

§ 87(2)(b) testified that officers, upon entering his bedroom, threw him to the floor, but was unable to provide descriptions of the officers who did this. § 87(2)(b) then felt an officer pull one of his arms behind his back, while the thumb on his other hand was pulled back, which later required physical therapy. He then felt a single blow near his left temple, but he did not know what he was hit with or who struck him. While he was on the ground, he felt officers kick and hold down his legs. He sustained bruises to his face, and was bleeding from his lips, arms, ankles, legs, and chest. He was on the ground for approximately 30 minutes. He did not see, and could not describe, which officers used physical force, as he was face down on the ground [BR03].

Det. Bodenmiller testified that, upon entering the bedroom, § 87(2)(b) was on the floor, with his arms under his body and pulled towards his chest. Several officers, whom Det. Bodenmiller could not identify, were attempting to pull his arms from under his body. Officers ordered § 87(2)(b) to release his arms several times, which he refused to do. Det. Bodenmiller assisted these officers by pulling on § 87(2)(b) arms to remove them from underneath his body. He did not take any other physical action aside from pulling on § 87(2)(b) arms and did not observe any officer do so. He did not pull § 87(2)(b) thumb, kick him, or strike him with an instrument, nor did he observe any other officer take these actions. § 87(2)(b) arms were eventually pulled out from underneath him and he was handcuffed. He was then placed inside a police vehicle and transported to the 106th Precinct stationhouse. Det. Bodenmiller did not observe any injuries on § 87(2)(b) nor hear him complain of any injuries[BR05].

Captain Morrison was largely consistent with Det. Bodenmiller. When § 87(2)(b) began to kick his legs, he held them down. He released them once § 87(2)(b) was handcuffed and did not take any additional physical actions with § 87(2)(b). He did not observe any officer pull § 87(2)(b) thumb, kick him, or strike him with an instrument, and did not take these actions himself [BR06].

Det. Ramdat, Det. Martinez, and Sgt. Fortunato were all consistent with Det. Bodenmiller and Captain Morrison, and all denied making any physical contact with § 87(2)(b).

§ 87(2)(b) [BR02, BR07, and BR08, respectively]. Det. Ramdat additionally testified that upon entering § 87(2)(b) bedroom, he ordered § 87(2)(b) to get on the ground, which he did. Officers did not throw § 87(2)(b) to the ground [BR02]. No TRI reports were prepared for this incident [BR13]. § 87(2)(b) medical records, received from § 87(2)(b), indicated that § 87(2)(b) did not sustain any fractures, but was diagnosed with traumatic rhabdomyolysis (a systemic manifestation of muscle cell damage resulting from pressure or crushing), which was noted in the records as coming from the struggle with police [BR14].

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Allegation (G) Abuse of Authority: Officers damaged § 87(2)(b) s property.

While it is disputed that an officer threatened to arrest § 87(2)(b) he elected to withdraw his complaint [BR09]. It remains in dispute if officers damaged § 87(2)(b) property during the incident.

§ 87(2)(b) was taken to the 106th Precinct, where he was placed inside the holding cell. After being released with a desk appearance ticket, § 87(2)(b) returned home where he found that his television was broken. § 87(2)(b) stated that it looked as if someone had punched his television [BR03].

Det. Ramdat testified that he conducted a search of the apartment with Sgt. Gagliard and PO Bekas. The officers searched the apartment for two hours, in which they recovered a small amount of cocaine and marijuana. Det. Ramdat did not punch § 87(2)(b) television during the search or otherwise damage it. He did not see any officer damage § 87(2)(b) television. After the search was concluded, the officers left, and § 87(2)(b) secured the apartment. Det. Ramdat went to the 106th Precinct stationhouse, where he had § 87(2)(b) sign the warrant [BR02]. Captain Morrison, who supervised the search, was consistent with Det. Ramdat [BR06].

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
- Det. Bodenmiller has been a member of service for 15 years and has been subject in three previous CCRB cases and four allegations, none of which have been substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- Captain Morrison has been a member of service for 19 years and has been subject on one previous CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation due to § 87(2)(b) Matthew's arrest.
- According to the New York City Office of the Comptroller, § 87(2)(b) filed a Notice of Claim for this incident seeking \$40,614.25 in various damages and injuries sustained [BR11].
- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal conviction history in New York City. There is no court record of the arrest from this incident [BR12].

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date